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Taiichi Okada

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EXAMINER

JOHNSON, JENNA LEIGH

ART UNIT

PAPER NUMBER

1794

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Response to Amendment

1. The response filed on February 8, 2008 has been entered. Claims 1, 2, 4, 5, and 11 are pending.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2, 4, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-252740 A (English Translation) in view of Kami et al. (6,283,507).

The rejection based on JP 07-252740 A, set forth in the previous Office Action, includes that previous teachings and obvious arguments regarding the features of JP 07-252740 A set forth previously. The only change in the rejection in the last Office Action was to use Kami to specifically address adding a silicone resin coating to airbags as opposed to other resin coating. Thus, the arguments regarding the number of entanglement feature as claimed, had been previously addressed as obvious over the JP 07-252740 A reference as set forth in the Office Action mailed on November 2, 2006, which states:

JP 07-252740 A fails to teach a specific number of entanglements are required or a range of entanglements which can be used in the invention. Further, JP 07-252740 A discloses that the invention and the improved permeability, flexibility, and weight properties are a result of using the flattened filaments in the yarn such that major axis of the filaments run parallel to the surface of the fabric, as set forth previously. Entanglements in the yarn would twist the filaments in the yarn and hinder the ability of the filaments to lie parallel to the axis of the fabric. In other words, the less entanglements in the yarns, the less twist and variation in the filaments orientation, and the better the permeability, flexibility and weight properties would be in the finished fabric. Thus, one of ordinary skill in the art would understand that since the improved properties are a result of using flat filaments which run substantially in parallel with the fabric's surface, the filaments should remain as flat as possible along the length of the yarn. Thus, it would have been obvious to one having ordinary skill in the art that if entanglements, which would twist and turn the filaments, are used in the invention of JP 07-252740 A, one of skill in the art would minimize the number of entanglements to maintain the improved permeability, flexibility, and weight properties, while having some entanglement points along the length of the yarn to keep the yarn together during processing and production of the fabric. Further, It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the optimized number of entanglements, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215.

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Thus, the entanglement feature has been addressed.

Response to Arguments

4. Applicant's arguments filed February 8, 2008 have been fully considered but they are not persuasive. The applicant argues that '740 is only directed to non-coated airbags. However, '740 specifically states that the woven fabric taught in the reference can be used in coated or uncoated air bags. Thus, the examples drawn to the uncoated version are only one embodiment disclosed by '740. The disclosure as a whole provides motivation to add a coating to the airbag fabric of '740.

Further, the applicant argues that the examples show that yarns with less than 3 entanglements per meter in the woven fabric produced unexpected results with regards to the thickness of the fabric and airbag and the stiffness fabric. However, the examples referred to by the applicant are not sufficient to show that the number of entanglements produced the improved properties. First, it is noted that comparative example 3 is made from filament with a flatness degree of 1.3 which is outside the claimed range and the scope of the invention. Thus, this example would not accurately represent the product disclosed by '740. Further, the comparative examples have multiple variables which differ from examples 5 and 6 such as degree of flatness, filament fineness, number of filaments, and tension in the warp and weft directions. All of these variables would influence to some degree the final thickness and stiffness properties of the fabric. Therefore, the unexpected results argued by the applicant could be related to these other variables and not the number of entanglements. For the applicant to prove that the number of entanglements produced the improved results, the applicant must compare samples where the only difference between the two fabrics is the number of entanglements in the yarn. There are too many other variables in the examples provided in the specification to state for certain that the entanglements is directly related to the improved properties and that this result would be

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unexpected and not an obvious result of modifying the number of yarn entanglements. Thus, the evidence is not persuasive and the rejection is maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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jlj

June 5, 2008

/Jenna-Leigh Johnson/
Primary Examiner, Art Unit 1794